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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert R. Gianni

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AUSTIN, TX 78767

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT

PAPER NUMBER

2116

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/965,484	<b>Applicant(s)</b> GIANNI, ROBERT R.	
	<b>Examiner</b> Abdelmoniem Elamin	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-9, 11-15, 17-22, 24-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kittrutsunetorn, US. Pat. No. 5,051,720.

3. Claims 1, 14, 21-22, 27-30, Kittrutsunetorn teaches a client computer system operable with a network multi-computer system that comprises a plurality of such client computer systems [*see computers 121 and 171 of Fig. 1*] coupled to a network [*network of Figs. 1 and 2*], a server computer system coupled to said network and operable via said network [*local computer 111 of Fig. 1*] to issue information packets that include address information having a predetermined pattern of bits to at least one of said client computer systems, the client computer system including: a source of operating power [*col. 2, lines 21+*];

a switch unit coupled to said source of operating power and to said client computer system such that operating power is provided to said client computer system in a switch unit ON state but is interrupted in a switch unit OFF state [*gate controlled power relay, see col. 1, lines 24-25*]; and

a network interface [*123a of Fig. 1*] to connect said client computer system to said network, said network interface comprising a decoder [*inherent*], a comparator [*col. 1, lines 20-25*], and a power control unit [*power control unit 141 of Fig. 1*];

wherein when said switch unit is in said OFF state [*abstract*]:

said decoder, said comparator, and said power control unit are coupled to a power source [*see the configuration of Fig. 1 and related disclosure*];

said network interface is operable to receive said information packets issued by said server computer system [*a message packet header*];

said decoder is operable to decode said address information included in said information packets; said comparator is operable to compare decoded said address information with at least one stored pattern of bits held in said network interface, and to output a power signal to said power control unit when a said stored pattern of bits matches the decoded said address information [*col. 1, lines 20-25*]; and

said power control unit is operable to pass operating power from said source of operating power via said network interface to said client computer system upon receipt of the power-on signal when the power control means is in said OFF state [*see the configuration of Fig. 1 and related disclosure*];

wherein said sever computer can power on said client computer system when said switch unit for said client computer system is in said OFF state [*abstract*].

4. Claims 2, 8-9, 15, 26, 31, 26, 31, Kitttrutsunetorn teaches said interface stores at least a first information pattern representing a subset of members of said environment, and a second information pattern representing a subset of said subset of members of said environment; wherein said comparator outputs said power-on signal when the decoded said first type

information matches either of said first information pattern or said second information pattern [col. 1, lines 20-25].

5. Claims 4, 17, 32, Kittrutsunetorn teaches said environment further includes a second member, receiving said information broadcast by the broadcasting member, whose operating voltage is switched-off, said method powering-on each said member; said second member including a second interface coupled to receive said information, at least a portion of said second network interface receiving operating voltage at all times, said interface including a second decoder, a second comparator, and a second power control unit; said second decoder decoding said first type information included in said information; said second comparator comparing decoded said first type information with at least one stored information pattern representing a power-on condition, said second comparator outputting a power-on signal to said second power control unit when said stored information pattern matches the decoded said first type information; said second power control unit coupled to provide operating voltage to said second member upon receipt of said power-on signal; wherein each member is powered-on simultaneously when said decoded said first type information matches said stored information pattern [see the second remote computer 171 of Fig. 1 and related disclosure].

6. Claims 5, 11, 18, Kittrutsunetorn teaches said information includes packets of binary data [col. 2, lines 21+].

7. Claims 6, 12, 19, Kittrutsunetorn teaches said first type information includes binary address information [col. 2, lines 21+].

8. Claims 7, 13, 20, 24-25, Kittrutsunetorn teaches said comparator includes a hashing algorithm executed within said interface [*inherent*].

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 10, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kittrutsunetorn, US. Pat. No. 5,051,720.

11. Claims Kittrutsunetorn fails to teach said member is Energy Star complaint, and wherein collectively said decoder and said comparator consume less than 30 watts of operating power.

However, Examiner asserts that Energy Star is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify Kittrutsunetorn to include said member is Energy Star complaint, because it improves energy use.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelmoniem Elamin whose telephone number is 571-2727-3674. The examiner can normally be reached on MON - THUR 10:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Prrveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Abdelmoniem Elamin/  
Primary Examiner, Art Unit 2116

April 14, 2008